

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SENTWALI BUCKLEY,

Defendant.

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8:05CR117

MEMORANDUM AND ORDER

This matter is before the court on the defendant's objections, Filing No. 20, to the Report and Recommendation ("R&R") of the magistrate judge, Filing No. 17. The magistrate recommends denial of defendant's motion to suppress, Filing No. 13. Under 28 U.S.C. § 636(b)(1), the court makes a de novo determination of those portions of the report and recommendations to which the parties object. *United States v. Lothridge*, 324 F. 3d 599, 600-01 (8th Cir. 2003). The court has conducted such a review, including a review of the transcript of the hearing on defendant's motion. Filing No. 19 ("Hr'g Tr.").

Defendant seeks suppression of certain statements made to Omaha police officers at the time of his arrest. He contends his waiver of *Miranda* rights was not knowing and voluntary. The magistrate found that defendant had been provided *Miranda* warnings, understood the warnings and freely and voluntarily waived those rights. Hr'g Tr. at 35. The magistrate found no coercive police activity and no showing that defendant's will had been overborne. *Id.* at 33-34.

The court finds the magistrate's R&R should be adopted. The evidence adduced at the hearing shows that the defendant's residence was searched pursuant to a valid warrant. Defendant was provided *Miranda* warnings. The court agrees with the magistrate that,

under the totality of the circumstances, defendant has not shown that his will was overborne. Accordingly,

IT IS ORDERED:

1. Defendant's objections, Filing No. 20, to the Report and Recommendation are overruled;
2. The Report and Recommendation of the magistrate, Filing No. 17, is adopted;
3. The defendant's motion to suppress, Filing No. 13, is denied.

DATED this 5th day of July, 2006.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge